

## **IC 31-25-2**

### **Chapter 2. General Duties of the Department of Child Services**

## **IC 31-25-2-1**

### **"Department"**

31-25-2-1 Sec. 1. As used in this article, "department" refers to the department of child services established by IC 31-25-1-1.

*As added by P.L.145-2006, SEC.271.*

## **IC 31-25-2-2**

### **Personnel**

31-25-2-2 Sec. 2. The director may employ necessary personnel to carry out the department's responsibilities subject to:

- (1) the budget agency's approval under IC 4-12-1-13; and
- (2) IC 4-15-2.

*As added by P.L.145-2006, SEC.271.*

## **IC 31-25-2-3**

### **Department organization**

31-25-2-3 Sec. 3. The director shall determine the best manner of organizing the department to provide the necessary services throughout Indiana to fulfill the purposes of this article.

*As added by P.L.145-2006, SEC.271.*

## **IC 31-25-2-4**

### **Child protection caseworker caseload reports**

31-25-2-4 Sec. 4. One (1) time every three (3) months, the department shall submit a report to the budget committee and to the legislative council that provides data and statistical information regarding caseloads of child protection caseworkers. The report made to the legislative council must be in an electronic format under IC 5-14-6.

*As added by P.L.145-2006, SEC.271.*

## **IC 31-25-2-5**

### **Caseload limitations**

31-25-2-5 Sec. 5. (a) This section applies after June 30, 2008.

(b) A child protection caseworker or a child welfare caseworker may not be assigned work that exceeds the following maximum caseload levels at any time:

- (1) For caseworkers assigned only initial assessments, including investigations of an allegation of child abuse or neglect, twelve (12) active cases per month per caseworker.
- (2) For caseworkers assigned only ongoing cases, seventeen (17) active children per caseworker.
- (3) For caseworkers assigned a combination of initial assessments, including investigations of an allegation of child abuse or neglect, and ongoing cases under subdivisions (1) and (2), four (4) investigations and ten (10) active ongoing cases per caseworker.

(c) The department shall comply with the maximum caseload ratios described in subsection (b).

*As added by P.L.145-2006, SEC.271.*

#### **IC 31-25-2-6**

##### **Report requirements**

31-25-2-6 Sec. 6. The report required under section 4 of this chapter must do the following:

- (1) Indicate the department's progress in recruiting, training, and retaining caseworkers.
- (2) Describe the methodology used to compute caseloads for each child protection caseworker.
- (3) Indicate whether the statewide average caseloads for child protection caseworkers exceed the caseload standards established by the department.
- (4) If the report indicates that average caseloads exceed caseload standards, include a written plan that indicates the steps that are being taken to reduce caseloads.
- (5) Identify, describe, and, if appropriate, recommend best management practices and resources required to achieve effective and efficient delivery of child protection services.

*As added by P.L.145-2006, SEC.271.*

#### **IC 31-25-2-7**

##### **Department duties**

31-25-2-7 Sec. 7. The department is responsible for the following:

- (1) Providing child protection services under this article.
- (2) Providing and administering child abuse and neglect prevention services.
- (3) Providing and administering child services (as defined in IC 12-19-7-1).
- (4) Providing and administering family services.
- (5) Providing family preservation services under IC 31-26-5.
- (6) Regulating and licensing the following under IC 31-27:
  - (A) Child caring institutions.
  - (B) Foster family homes.
  - (C) Group homes.
  - (D) Child placing agencies.
- (7) Administering the state's plan for the administration of Title IV-D of the federal Social Security Act (42 U.S.C. 651 et seq.).
- (8) Administering foster care services.
- (9) Administering independent living services (as described in 42 U.S.C. 677 et seq.).
- (10) Administering adoption services.

*As added by P.L.145-2006, SEC.271.*

#### **IC 31-25-2-8**

##### **Department as single state agency responsible for administering certain grants, funds, and programs**

31-25-2-8 Sec. 8. The department is the single state agency

responsible for administering the following:

- (1) Title IV-B of the federal Social Security Act under 42 U.S.C. 620 et seq.
- (2) Title IV-E of the federal Social Security Act under 42 U.S.C. 670 et seq.
- (3) The federal Child Abuse Prevention and Treatment Act under 42 U.S.C. 5106 et seq.
- (4) The federal Social Services Block Grant under 42 U.S.C. 1397 et seq.
- (5) Any other federal program that provides funds to states for services related to the prevention of child abuse and neglect, child welfare services, foster care, independent living, or adoption services.

*As added by P.L.145-2006, SEC.271.*

### **IC 31-25-2-9**

#### **Department duties concerning staff**

31-25-2-9 Sec. 9. (a) The department:

- (1) must have sufficient qualified and trained staff to fulfill the purpose of this article;
- (2) must be organized to maximize the continuity of responsibility, care, and service of individual caseworkers toward individual children and families;
- (3) must provide training to representatives of the department regarding the legal duties of the representatives in carrying out the responsibility of the department under section 7 of this chapter, which may consist of various methods of informing the representatives of their duties, in order to protect the legal rights and safety of children and families from the initial time of contact during the investigation through treatment; and
- (4) must provide training to representatives of the child protection services system regarding the constitutional rights of the child's family, including a child's guardian or custodian, that is the subject of an investigation of child abuse or neglect consistent with the Fourth Amendment to the United States Constitution and Article I, Section 11 of the Constitution of the State of Indiana.

(b) This section expires June 30, 2008.

*As added by P.L.145-2006, SEC.271.*

### **IC 31-25-2-10**

#### **Department duties concerning staff**

31-25-2-10 Sec. 10. (a) This section applies after June 30, 2008.

(b) The department of child services:

- (1) must have sufficient qualified and trained staff to:
    - (A) fulfill the purpose of this article;
    - (B) comply with the maximum caseload ratios for:
      - (i) child protection caseworkers; and
      - (ii) child welfare caseworkers;
- as set forth in IC 31-25-2-5;

- (2) must be organized to maximize the continuity of responsibility, care, and service of individual caseworkers toward individual children and families;
- (3) must provide training to representatives of the department regarding the legal duties of the representatives in carrying out the responsibility of the department under section 7 of this chapter, which may consist of various methods of informing the representatives of their duties, in order to protect the legal rights and safety of children and families from the initial time of contact during the investigation through treatment; and
- (4) must provide training to representatives of the child protection services system regarding the constitutional rights of the child's family, including a child's guardian or custodian, that is the subject of an investigation of child abuse or neglect consistent with the Fourth Amendment to the United States Constitution and Article I, Section 11 of the Constitution of the State of Indiana.

*As added by P.L.145-2006, SEC.271.*

#### **IC 31-25-2-11**

##### **Powers, responsibilities, and duties**

31-25-2-11 Sec. 11. (a) Except in cases involving a child who may be a victim of institutional abuse or cases in which police investigation also appears appropriate, the department is the primary public agency responsible for:

- (1) receiving;
- (2) investigating or arranging for investigation; and
- (3) coordinating;

the investigation of all reports of a child who may be a victim of known or suspected child abuse or neglect.

(b) In accordance with a local plan for child protection services, the department shall, by juvenile court order:

- (1) provide protection services to prevent cases where a child may be a victim of further child abuse or neglect; and
- (2) provide for or arrange for and coordinate and monitor the provision of the services necessary to ensure the safety of children.

(c) Reasonable efforts must be made to provide family services designed to prevent a child's removal from the child's parent, guardian, or custodian.

*As added by P.L.145-2006, SEC.271.*

#### **IC 31-25-2-12**

##### **Notice of existence of photographs, x-rays, and physical medical examination reports**

31-25-2-12 Sec. 12. The department shall give notice of the existence and location of photographs, x-rays, and physical medical examination reports to:

- (1) the appropriate prosecuting attorney; and
- (2) the appropriate law enforcement agency, if the law

enforcement agency has not already received the items described in this section under IC 31-33-10-3.  
*As added by P.L.145-2006, SEC.271.*

### **IC 31-25-2-13**

#### **Access to photographs, x-rays, and physical medical examination reports**

31-25-2-13 Sec. 13. Photographs, x-rays, or physical medical examination reports shall be made available to:

- (1) the law enforcement agency having jurisdiction;
- (2) the department;
- (3) the prosecuting attorney;
- (4) the guardian ad litem; or
- (5) the court appointed special advocate appointed by the juvenile court;

for use in any judicial proceeding relating to the subject matter of a report made under this article and, to the extent permissible under the Indiana Rules of Trial Procedure, to the adverse party in any proceeding arising under this article.

*As added by P.L.145-2006, SEC.271.*

### **IC 31-25-2-14**

#### **Cooperation with public and private agencies**

31-25-2-14 Sec. 14. (a) The department shall cooperate with and shall seek and receive the cooperation of appropriate public and private agencies, including the following:

- (1) Law enforcement agencies.
- (2) The courts.
- (3) Organizations, groups, and programs providing or concerned with services related to the prevention, identification, or treatment of a child who may be a victim of child abuse or neglect.

(b) The department shall also cooperate with public and private agencies, organizations, and groups that provide family services designed to prevent a child's removal from the child's home.

(c) Cooperation and involvement under this section may include the following:

- (1) Consultation services.
- (2) Planning.
- (3) Case management.
- (4) Public education and information services.
- (5) Use of each other's facilities, staff, and other training.

*As added by P.L.145-2006, SEC.271.*

### **IC 31-25-2-15**

#### **Purchase of services of public or private agency**

31-25-2-15 Sec. 15. (a) Notwithstanding any other law, the department may purchase and use the services of any public or private agency if adequate provision is made for continuity of care and accountability.

(b) If the department purchases services under this article, the state shall reimburse the expenses, to the extent allowed by state and federal statutes, rules, and regulations, to the locality or agency in the same manner and to the same extent as if the services were provided directly by the department.

*As added by P.L.145-2006, SEC.271.*

#### **IC 31-25-2-16**

##### **Department of child services child care fund**

31-25-2-16 Sec. 16. (a) The department of child services child care fund is established for the purpose of providing training and facilitating compliance with and enforcement of IC 31-25 through IC 31-28. The fund shall be administered by the department.

(b) The fund consists of the fees and civil penalties collected under IC 31-25 through IC 31-28.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

*As added by P.L.145-2006, SEC.271.*

#### **IC 31-25-2-17**

##### **Procurement agreements**

31-25-2-17 Sec. 17. (a) The department may establish a program to procure any of the services described in section 7 of this chapter under a procurement agreement administered by the department. The department may enter into procurement agreements that cover the delivery of one (1) or more categories of services to all the counties in a region determined by the department. An agreement may provide for payment from state funds appropriated for the purpose or direct billing of services to the county receiving the service.

(b) If the department enters into a procurement agreement covering a county, the county, including the county's juvenile court, shall procure all services covered by the procurement agreement in accordance with the regional procurement agreement and the policies prescribed by the department. With the approval of the department, a county may use services from an alternate provider.

(c) The costs incurred under a procurement agreement shall be shared by the counties covered by the procurement agreement. The department shall allocate the costs of a regional procurement agreement among the counties covered by the agreement in proportion to the use of the services by each county under the schedule prescribed by the department. A county shall pay the costs incurred under a procurement agreement from the:

- (1) family and children's fund; or
- (2) children's psychiatric residential treatment services fund;

as appropriate.

(d) If the department pays the costs incurred under a procurement contract from state funds appropriated for the purpose, the department shall present a claim for reimbursement to the appropriate county auditor. The county executive shall review and allow the full amount of the claim in the manner provided in IC 36-2-6.

*As added by P.L.145-2006, SEC.271.*

### **IC 31-25-2-18**

#### **Rules**

31-25-2-18 Sec. 18. The department may adopt rules under IC 4-22-2 necessary to carry out the department's or bureau's duties under this article.

*As added by P.L.145-2006, SEC.271.*

### **IC 31-25-2-19**

#### **Adoption fees**

31-25-2-19 Sec. 19. (a) The department may charge the following adoption fees:

(1) An adoption placement fee that may not exceed the actual costs incurred by the county office for medical expenses of children and mothers.

(2) A fee that does not exceed the time and travel costs incurred by the county office for home study and investigation concerning a contemplated adoption.

(b) Fees charged under this section shall be deposited in a separate account in the county family and children trust clearance fund established under IC 12-19-1-16. Money deposited under this subsection shall be expended by the department for the following purposes without further appropriation:

(1) The care of children whose adoption is contemplated.

(2) The improvement of adoption services provided by the department.

(c) The director may adopt rules governing the expenditure of money under this section.

(d) The department may provide written authorization allowing a county office to reduce or waive charges authorized under this section in hardship cases or for other good cause after investigation. The department may adopt forms on which the written authorization is provided.

*As added by P.L.145-2006, SEC.271.*